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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
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22 JORGE LUIS HERNANDEZ GONZALEZ,
23 Defendant.

24 CASE NO. 1:21-CR-00114-JLT-SKO
25 STIPULATION REGARDING EXCLUDABLE
26 TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER
DATE: May 1, 2023
TIME: 1:00 p.m.
COURT: Hon. Jennifer L. Thurston

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28 **BACKGROUND**

29 This case is set for change of plea hearing on May 1, 2023. By this stipulation, defendant now
30 moves to continue the change of plea hearing until June 20, 2023, at 10:00 a.m. before the Hon.
31 Jennifer L. Thurston. The proposed change of plea date represents the earliest date that all counsel are
32 available, taking into account counsels' schedules, defense counsels' commitments to other clients, and
33 the court's available dates for a change of plea hearing. In addition, the public health concerns cited by
34 General Orders 611, 612, 617, 618, and 620 and subsequent general orders presented by the evolving
35 COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other
36 relevant individuals have been encouraged to telework and minimize personal contact to the greatest
37 extent possible.

38 1. The parties agree and stipulate, and request that the Court find the following:

39 a) The government has represented that the discovery associated with this case is

1 voluminous and includes thousands of pages of documents including investigative reports and
2 photographs as well as large media files including hours of recorded calls, large cell phone
3 extractions, social media account search warrant returns, and other items. All this discovery has
4 been either produced directly to counsel and/or made available for inspection and copying.
5 Moreover, the government is still receiving discovery from the investigative agency and will
6 continue to provide that supplemental discovery on a rolling basis.

7 b) The government has presented the Defendant with a plea agreement and counsel
8 for defendant desires additional time finalize the agreement and prepare for the change of plea
9 hearing.

10 c) The defendant also needs the additional time to arrange certain personal affairs.
11 Defense counsel represents that Defendant's young daughter has eye cancer and the defendant is
12 the primary caretaker and transporter of his daughter to the doctor's office for medical
13 appointments.

14 d) Counsel for defendant believes that failure to grant the above-requested
15 continuance would deny him/her the reasonable time necessary for effective preparation, taking
16 into account the exercise of due diligence.

17 e) The government does not object to the continuance.

18 f) In addition to the public health concerns cited by General Orders of this Court and
19 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in
20 this case because the defendant is not detained pending trial.

21 g) Based on the above-stated findings, the ends of justice served by continuing the
22 case as requested outweigh the interest of the public and the defendant in a trial within the
23 original date prescribed by the Speedy Trial Act.

24 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
25 et seq., within which trial must commence, the time period of May 1, 2023 to June 20, 2023,
26 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
27 because it results from a continuance granted by the Court at defendant's request on the basis of
28 the Court's finding that the ends of justice served by taking such action outweigh the best interest

1 of the public and the defendant in a speedy trial.

2. Nothing in this stipulation and order shall preclude a finding that other provisions of the
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
4 must commence.

5 IT IS SO STIPULATED.

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7 Dated: April 27, 2023

PHILLIP A. TALBERT
United States Attorney

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10 /s/ JUSTIN J. GILIO
11 JUSTIN J. GILIO
12 Assistant United States Attorney

13 Dated: April 27, 2023

14 /s/ Mark Coleman
15 Mark Coleman
16 Counsel for Defendant
17 Jorge Luis Hernandez Gonzalez

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19 ORDER

20 The stipulation is **GRANTED**. The change-of-plea hearing is **CONTINUED** to until June 20,
21 2023, at 10:00 a.m.

22 The Court finds that good cause exists and the interest of justice outweigh the defendant and the
23 public in a speedy trial based upon the need for defense preparation and because this continuance results
24 from the defendant's request. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C.
25 § 3161, *et seq.*, the Court will exclude the time from May 1, 2023 through June 20, 2023 (18 U.S.C. §
26 3161(h)(7)(A), B(iv) [Local Code T4]).

27 IT IS SO ORDERED.

28 Dated: May 1, 2023


UNITED STATES DISTRICT JUDGE